

TOWN OF CALLAHAN, FLORIDA  
ORDINANCE NO.: 2014-O03

AN ORDINANCE OF THE TOWN OF CALLAHAN, FLORIDA TO AMEND THE CHARTER OF THE TOWN OF CALLAHAN BY AMENDING § C-1 TO UPDATE THE DESCRIPTION OF THE TOWN'S BOUNDARIES; AMENDING § C-2 TO CONFORM MUNICIPAL POWERS TO STATE LAW; AMENDING § C-4 OF THE CHARTER OF THE TOWN OF CALLAHAN SO THAT PERSONS APPOINTED TO HOLD VACANT OFFICES

HOLD THE OFFICE FOR THE REST OF THE VACANT TERM; AMENDING § C-5 TO DELETE REFERENCES TO MUNICIPAL COURTS AND TO PROVIDE FOR SETTING THE MAYORAL SALARY BY ORDINANCE; AMENDING §§ C-6 AND C-7 TO UPDATE THE MAYOR'S DUTIES; AMENDING § C-8 OF THE CHARTER SO THAT THE TOWN COUNCIL CAN ONLY OVERRIDE THE MAYOR'S VETO OF AN ORDINANCE BY A 4/5THS MAJORITY VOTE; DELETING §§ C-9; DELETING § C-10, AMENDING § C-13, AND AMENDING § C-41 TO PROVIDE A UNIFORM PROCEDURE FOR IMPEACHMENT OF ELECTED OFFICIALS AND REQUIRE A 4/5THS MAJORITY VOTE; AMENDING § C-11 BY REMOVING GENDER-SPECIFIC REFERENCES; AMENDING § C-12 FOR CLARIFICATION AND TO ALLOW COUNCIL MEMBERS TO BE PAID; DELETING § C-14; UPDATING § C-15 TO COMPORT WITH THE MUNICIPAL HOME RULE POWERS ACT; DELETING § C-16; AMENDING § C-17 TO PROHIBIT DONATIONS FROM THE TOWN TO POLITICAL ORGANIZATIONS AND FOR THE BENEFIT OF INDIVIDUALS; UPDATING § C-18 TO REMOVE GENDER-SPECIFIC REFERENCES AND COMPORT WITH CHANGES IN STATE LAW; AMENDING § C-18 TO MAKE THE TOWN CLERK AN APPOINTED INSTEAD OF ELECTED POSITION; DELETING § C-19; AMENDING § C-20 TO COMPORT WITH MODERN PAYMENT PRACTICES; DELETING §§ C-21 – C-28; UPDATING § C-29 TO COMPORT WITH THE MUNICIPAL HOME RULE POWERS ACT; DELETING §§ C-30 – C-36; AMENDING § C-38 TO MODERNIZE AND CLARIFY ITS LANGUAGE; AMENDING § C-39 TO COMPORT WITH STATE ELECTIONS LAW AND PRIOR AMENDMENTS TO OTHER SECTIONS OF THE CHARTER; AMENDING § C-42 TO DELETE UNNECESSARY LANGUAGE; DELETING § C-43; AMENDING § C-44 TO REMOVE GENDER-SPECIFIC REFERENCES AND CLARIFY RESTRICTIONS ON CONTRACTING; DELETING §§ C-45 – C-48; REPEALING ORDINANCES 2014-O01 AND 2014-O02; PROVIDING FOR THE HOLDING OF A REFERENDUM FOR THE AMENDMENT OF CERTAIN PROVISIONS OF THE CHARTER; ESTABLISHING BALLOT SUMMARY AND BALLOT TITLES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Callahan was incorporated by special act of the Florida legislature in 1911, and the Town's Charter was approved by that Act;

WHEREAS, due to the passage of time, the passage of various state laws, including the Municipal Home Rule Powers Act, the Town's Charter has become antiquated; and

WHEREAS, the Town Council created a Charter Review Commission that met from March 2013 through November 2013 and met jointly with the Town Council to develop an updated Charter for the Town of Callahan;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CALLAHAN, FLORIDA, AS FOLLOWS:

Section 1. Section C-1 of the Charter of the Town of Callahan shall be amended as follows:

A municipality to be called and known as the "Town of Callahan" is hereby was established in Nassau County, Florida by Chapter 533, Number 214 of the Laws of Florida, 1911, which Act was approved on May 23, 1911, ~~†~~ The territorial boundaries of which ~~The Town as~~ of August 12, 2010 are depicted on a Map of Callahan, Nassau County, Florida dated August 12, 2010 prepared by Ellis, Curtis & Kooker, Inc. and signed and sealed by Harlo C. Everett, Jr., P.C.S. number 3287 and Louis J. Everett, P.C.S. number 4099, the above described lands being in Sections twenty-nine and thirty and the Seymour Pickett Grant Section forty, in township two, north of range twenty-five east, Nassau County.

Section 2. Section C-2 of the Charter of the Town of Callahan shall be amended as follows:

Said corporation shall have perpetual succession, ~~may sue and be sued, plead and be impleaded, may purchase, lease, receive and hold property, real and personal, within said town, and may sell, lease or otherwise dispose of the same for the benefit of the town; and may purchase, lease, receive and hold property, real and personal, beyond the limits of the town, to be used for the burial of the dead, for the erection of water works, for the establishment of poor houses, pest houses, houses of detention and correction, for public parks and promenades and for other public purposes that the Mayor of and Town Council may deem necessary and proper; and may sell, lease or otherwise dispose of such property for the benefit of the town to the same extent as natural persons may. Said town shall have and use a common seal, and may change it at its pleasure. and shall have all~~ powers granted or available to municipal governments in the State of Florida.

Section 3. Section C-4 of the Charter of the Town of Callahan shall be amended as follows:

~~No person who is not~~ Only a qualified electors of said town Callahan ~~shall be~~ are eligible to ~~any of the said~~ hold Town offices, ~~and i~~ In case any vacancy should occur in any town office, ~~such the~~ vacancy shall be filled by a majority vote of all the members of the Town Council; and persons so appointed by the Town Council shall hold office until the next election of officers and until a successor is elected and qualified.

Section 4. At the next election to be held following the final passage of this Ordinance that allows for enough time for the Nassau County supervisor of elections to put the following referendum question on the ballot, the following language shall be placed on the ballot for referendum approval by the electors of the Town of Callahan with provisions for the electors to indicate "yes" or "no":

Should § C-4 of the Charter of the Town of Callahan be amended to specify that when a vacancy occurs in any Town office, the person

appointed to fill the vacancy shall hold the office until the term he or she was appointed to fill ends?

Section 5. If a majority of the electors of the Town of Callahan voting on the referendum question in Section 4 vote "yes," then § C-4 of the Charter of the Town of Callahan shall be amended as follows:

Only qualified electors of Callahan are eligible to hold Town offices. In case any vacancy should occur in any town office, the vacancy shall be filled by a majority vote of all the members of the Town Council; and persons so appointed by the Town Council shall hold office until the ~~next election of officers~~ the vacant term expires and ~~until~~ a successor is elected and qualified.

Section 6. If a majority of the electors of the Town of Callahan voting on the referendum question in Section 4 vote "no," then the amendments to § C-4 made by § 3 of this Ordinance shall be the only amendments made to § C-4.

Section 7. The referendum question regarding § C-4 of the Charter of the Town of Callahan shall be known by ballot title as "Should Appointees to Vacated Offices Hold Office until the End of the Term."

Section 8. Section C-5 of the Charter of the Town of Callahan shall be amended as follows:

The Mayor shall be elected by the qualified voters of said town for the term of four (4) years, and shall hold office until ~~his~~ a successor is elected and qualified. ~~He shall have the power to preserve the peace and enforce good order within the town. He shall receive such compensation for his services as Mayor as may be provided by ordinance. The Mayor's salary shall be set by ordinance.~~

Section 9. Section C-6 of the Charter of the Town of Callahan shall be amended as follows:

The Mayor shall act as the chief executive and chief administrator of the Town; ~~have jurisdiction for the trial of all offenders against the town ordinances. He shall see that the ordinances of the town are faithfully executed; he shall have power by his warrant to have brought before him any person or persons charged with violation of town ordinances, and to require the attendance of witnesses for the town and the accused; to administer oaths, to take affidavits and to inquire into the truth or falsity of all charges preferred; to decide upon the guilt or innocence of the accused and to fix and enforce by penalty the sentence prescribed by law and the ordinances of the town; to pardon and release persons convicted by him, in term time or otherwise, by mandate in writing to the Marshal or any policeman; to and shall have and exercise all powers incident and usual to the due enforcement of his~~ the Mayor's jurisdiction. Appeals from the judgment and sentence of the Mayor shall be taken in time and

manner prescribed by law, but all appeal bonds shall be submitted to the Mayor, and if approved by him, said appeals shall be operated as a supersedeas. He shall keep a record of his official acts, substantially setting forth the charges preferred against the parties brought before him by warrant or otherwise, and of the judgment rendered in each and every case, and he shall require the Clerk to make and preserve such record by regular minutes; he may point or discharge special policemen or detectives, subject to the approval of the Town Council at their next regular meeting.

The Mayor shall have general supervision over all town affairs, officers, and employees except for the members of the Town Council. The Mayor shall report to the Town Council any improper conduct on the part of any town official or employee.

Section 10. Section C-7 of the Charter of the Town of Callahan shall be deleted in its entirety.

Section 11. Section C-8 of the Charter of the Town of Callahan shall be amended as follows:

Every ordinance passed by the Town Council, before becoming a law, shall be presented to the Mayor under the certificate and seal of the Clerk, for approval or disapproval. If the Mayor approves the ordinance, ~~same he the Mayor shall sign it and return it to the Clerk within five (5) days, but if he shall~~ If the Mayor does not approve the ordinance, it he the Mayor shall return it to his the Clerk with his written objections in writing at or before the next regular meeting of the Town Council for reconsideration, and if the Town Council shall passes the ordinance by a three-fifths (3/5) vote, it shall become a law. If the Mayor shall fail to does not return any ordinance or returns it the same unsigned or without the written objections in writing, at or before the next regular meeting of the Council after it's the ordinance's passage, the ordinance shall become a law.

Section 12. At the next election to be held following the final passage of this Ordinance that allows for enough time for the Nassau County supervisor of elections to put the following referendum question on the ballot, the following language shall be placed on the ballot for referendum approval by the electors of the Town of Callahan with provisions for the electors to indicate "yes" or "no":

Should § C-8 of the Charter of the Town of Callahan be amended so that a 4/5ths majority of the Town Council is required to override the Mayor's objection to an ordinance instead of the 3/5ths majority that is currently required to override the Mayor's objection?

Section 13. If a majority of the electors of the Town of Callahan voting on the referendum question in § 12 vote "yes," then § C-8 of the Charter of the Town of Callahan shall be amended as follows:

Every ordinance passed by the Town Council, before becoming a law, shall be presented to the Mayor under the certificate and seal of

the Clerk, for approval or disapproval. If the Mayor approves the ordinance, the Mayor shall sign it and return it to the Clerk within five days. If the Mayor does not approve the ordinance, the Mayor shall return it to the Clerk with written objections at or before the next regular meeting of the Town Council for reconsideration. If the Town Council passes the ordinance by a ~~three-fifths (3/5)~~ 4/5ths vote, it shall become a law. If the Mayor does not return any ordinance or returns it unsigned or without written objections at or before the next regular meeting of the Council after the ordinance's passage, the ordinance shall become a law.

Section 14. If a majority of the electors of the Town of Callahan voting on the referendum question in § 12 vote “no,” then the amendments to § C-8 of the Charter made by § 11 of this Ordinance shall be the only amendments made to § C-8 of the Charter.

Section 15. The referendum question regarding § C-8 of the Charter of the Town of Callahan shall be known by ballot title as “Requiring a 4/5ths Majority of the Town Council to Override a Mayoral Veto.”

Section 16. Section C-9 of the Charter of the Town of Callahan shall be deleted in its entirety.

Section 17. Section C-13 of the Charter of the Town of Callahan shall be amended as follows:

The Town Council may determine its own rules of proceedings and prescribe the punishment of its members for nonattendance or disorderly conduct, and enforce the same. Three-fifths (3/5) of its members concurring, it may expel a member for nonattendance or otherwise improper conduct in office. The majority of the members of the Town Council shall be required to form a quorum for the transaction of business, but a smaller number may adjourn from day to day and ~~under the provision of the ordinance~~ may compel the attendance of absent members by fines and penalties. The president of the Town Council and Town Clerk shall have the power to administer necessary oaths, ~~and may issue subpoenas and compulsory proceedings to compel the attendance of persons and the production of books and papers before the Town Council or any committee of same.~~ The Town Council shall hold meetings at such times as it may determine, not less than one~~(1)~~ regular meeting a month.

Section 18. At the next election to be held following the final passage of this Ordinance that allows for enough time for the Nassau County supervisor of elections to put the following referendum question on the ballot, the following language shall be placed on the ballot for referendum approval by the electors of the Town of Callahan with provisions for the electors to indicate “yes” or “no”:

Should the Charter of the Town of Callahan be amended to provide a uniform procedure for impeachment of all Town elected officials that requires written charges and approval by a 4/5ths majority of the

Town Council before an official can be impeached by deleting § C-10, amending § C-13, and amending § C-41 of the Charter?

Section 19. If a majority of the electors of the Town of Callahan voting on the referendum question in § 18 vote “yes,” then § C-10 of the Charter of the Town of Callahan shall be deleted in its entirety.

Section 20. If a majority of the electors of the Town of Callahan voting on the referendum question in § 18 vote “yes,” then § C-13 of the Charter of the Town of Callahan shall be amended as follows:

The Town Council may determine its own rules of proceedings and prescribe the punishment of its members for nonattendance or disorderly conduct, and enforce the same. ~~Three-fifths (3/5) of its members concurring, it may expel a member for nonattendance or otherwise improper conduct in office.~~ The majority of the members of the Town Council shall be required to form a quorum for the transaction of business, but a smaller number may adjourn from day to day and may compel the attendance of absent members by fines and penalties. The president of the Town Council and Town Clerk shall have the power to administer necessary oaths. The Town Council shall hold meetings at such times as it may determine, not less than one regular meeting a month.

Section 21. If a majority of the electors of the Town of Callahan voting on the referendum question in § 18 vote “yes,” then § C-41 of the Charter of the Town of Callahan shall be amended as follows:

Any officer of said town may be impeached by the Town Council and removed from office for ~~misfeasance, malfeasance or nonfeasance in office or for drunkenness or habitual intoxication,~~ by an affirmative vote of ~~three-fifths (3/5)~~ four fifths of all the members of the Town Council. Should charges be preferred against any officer, ~~the same procedure shall be had and observed as provided in this Act in case of charges against the Mayor.~~ Charges shall be in writing, shall clearly set forth the offense or offenses of which the officer is accused. A copy of the charges signed by the President or the President pro tempore of the Town Council, attested by the Town Clerk with the Seal of the town attached, shall be served on the officer, and the Council shall proceed without unnecessary delay to investigate the charges and decide them.

Section 22. If a majority of the electors of the Town of Callahan voting on the referendum question in § 18 vote “no,” then §§ C-10, C-13, and C-41 of the Charter shall not be affected in any way.

Section 23. The referendum question regarding §§ C-10, C-13, and C-41 of the Charter of the Town of Callahan shall be known by ballot title as “Establishing a Uniform Procedure for Impeachment of Elected Officials.”

Section 24. Section C-11 of the Charter of the Town of Callahan shall be amended as follows:

In the event of absence of the Mayor from the town or ~~his~~ the Mayor's inability from sickness or other causes to discharge the duties of his office, the President of the Town Council, or in ~~his~~ the President's absence or disability the President pro tempore, shall discharge the duties of Mayor.

Section 25. Section C-12 of the Charter of the Town of Callahan shall be amended as follows:

The legislative power of the corporation shall be exercised by the Town Council, composed of five members who shall serve for the period of four years and until their successors are elected and qualified, ~~unless otherwise provided in this Act.~~ Elections for all Town officers provided for in this Act shall be held on the first Tuesday after the first Monday in November or such time as coincides with the general election of federal offices. All vacancies between the elections that shall occur in the Town Council shall be filled by the votes of the majority of the remaining members. The members shall elect annually one of their members to be their presiding officer, who shall be called the President of the Town Council, and shall have the power to enforce such rules as may be adopted by the Town Council. ~~The members of the Town Council shall service without pay.~~

Section 26. Section C-14 of the Charter of the Town of Callahan shall be deleted in its entirety.

Section 27. Section C-15 of the Charter of the Town of Callahan shall be amended as follows:

The Town Council shall exercise all legislative and corporate authority of a municipality under Florida law, except to the extent this Charter vest that authority in the Mayor. ~~have power, by ordinance, to levy and collect taxes on all property and privileges taxable by law for state purposes; to appropriate money and provide for the payment of all debts and expenses of the town; to make regulations to prevent the introduction of contagious diseases into the town; to establish hospitals, jails, houses of detention and correction, and to make regulations for the government thereof; to make regulations to secure the general health of the inhabitants and to prevent and remove nuisances; to provide for the cleaning and keeping in good sanitary condition of all premises within the limits of the town; to regulate the construction and arrangement of earth closets and privies and to make all reasonable rules and regulations in regard thereto; to provide the town with water by water works, within or beyond the boundaries, by contract or otherwise; to provide for the prevention and extinguishment of fires and to organize and establish fire departments; to provide for lighting the town; to make appropriations to open, alter, abolish, widen, extend, establish, improve, clean and keep in repair streets, alleys and~~

sidewalks; to erect, establish and keep in repair privies, culverts, sewers and gutters; to grant rights and franchises to and upon the street, alleys, public roads, ways and avenues of the city for public utility; to make appropriations for lighting the streets and public buildings and for the erection of all buildings necessary for the use of the town; to license, tax and regulate hackney carriages, carts, omnibuses, wagons and drays and to fix the rate to be charged for the carriages of persons and of property within the state; to license, tax and regulate all privileges taxable by the state; provided that no license tax shall exceed the license tax imposed by the state; to prohibit and suppress all gambling houses, bawdy and disorderly houses and obscene pictures and literature; to regulate or restrain or prevent the carrying on of manufactories dangerous in causing or producing fires and to regulate and license the sale of firearms and suppress the carrying of concealed weapons; regulate the storage of combustible explosive and inflammable materials; to provide for and regulate the inspection of beef, pork, flour, meal and all other provisions, oils, whiskey and all other spirits; regulate the inspection of milk, butter, lard and other provisions; to regulate the vending of meat, poultry, fish, fruits and vegetables; to establish and regulate markets; to impose penalties upon owners, occupants or agents of any house, walk or sidewalk or other structure which may be considered dangerous or detrimental to the citizens unless, after due notice, to be fixed by ordinance, the same be removed or repaired; to regulate, tax, license or suppress the keeping and going at large of all animals within the town, to impound the same, and in default of redemption, in pursuance of ordinance, to sell, kill or otherwise dispose of the same; to establish pound limits within the town; to provide for enclosing, improving and regulating public grounds belonging to the town in or out of the corporate limits; to pass all ordinances necessary for the health, morals, convenience and safety of the citizens; to secure peace and good order in the town and to carry out the full intent and meaning of this Act, and to accomplish the object of this incorporation; to provide for the appointment of a police force; to provide for the arrest of persons violating any ordinance; and for their punishment, upon conviction, by fines, forfeitures, penalties and imprisonment with or without labor, but no penalty shall exceed five hundred dollars (\$500.), and the term of imprisonment shall not be for a longer term than three (3) months for the same offense. Nothing contained in this section shall be construed as limiting the amount of the tax which the Town Council may impose upon the sale of spirituous, vinous or malt liquors.

Section 28. Section C-16 of the Charter of the Town of Callahan shall be deleted in its entirety.

Section 29. Section C-17 of the Charter of the Town of Callahan shall be amended as follows:

~~The Mayor and Town Council are forbidden to make any appropriation of money or credit in the way of donations, festivities, pageants, excursions or parades, nor shall they be authorized to subscribe for stock in any railroad company or in any other corporation, or give or lend any money, aid or credit to any person or corporation whatever, and they are hereby prohibited from employing or appropriating the revenues and taxes in any other manner than for the purpose strictly municipal and local according to the provisions of this Act. Said municipality shall not exempt any property from taxation which shall not be exempt from taxation by the state. All other provisions of this section notwithstanding, t~~ The Callahan Town Council may by resolution authorize a money or in kind donation to a nonprofit organization where such donation serves a public purpose by promoting the health, safety and welfare of the citizens of the town and the resolution makes a specific finding as the public purpose of said donation.

Section 30. At the next election to be held following the final passage of this Ordinance that allows for enough time for the Nassau County supervisor of elections to put the following referendum question on the ballot, the following language shall be placed on the ballot for referendum approval by the electors of the Town of Callahan with provisions for the electors to indicate “yes” or “no”:

Should § C-17 of the Charter of the Town of Callahan be amended to prohibit the Town from making donations to political organizations and donations for the benefit of an individual?

Section 31. If a majority of the electors of the Town of Callahan voting on the referendum question in § 30 vote “yes,” then § C-17 of the Charter of the Town of Callahan shall be amended as follows:

The Callahan Town Council may by resolution authorize a money or in kind donation to a nonprofit organization where such donation serves a public purpose by promoting the health, safety and welfare of the citizens of the town and the resolution makes a specific finding as the public purpose of said donation, except that donations may not be made to political organizations, and donations may not be made for the benefit of an individual.

Section 32. If a majority of the electors of the Town of Callahan voting on the referendum question in § 30 vote “no,” then the amendments to § C-17 of the Charter made by § 29 of this Ordinance shall be the only amendments made to § C-17 of the Charter.

Section 33. The referendum question regarding § C-17 of the Charter of the Town of Callahan shall be known by ballot title as “Prohibition of Donations for the Benefit of Political Organizations and Individuals.”

Section 34. Section C-18 of the Charter of the Town of Callahan shall be amended as follows:

There shall be one ~~(1)~~ office of the Town Clerk ~~and Tax Collector~~, and said officer shall be elected by the qualified electors of said town for four ~~(4)~~ years and shall hold office until his successor is elected and qualified. ~~He~~ The Clerk shall receive ~~such~~ reasonable compensation as ~~set by the Town Council~~ ~~may prescribe by ordinance~~. ~~He~~ The Clerk shall be known and sign all documents, rolls and papers as Town Clerk. ~~He~~ The Clerk shall give such bond as the Town Council may require. ~~He shall keep a record of all judgments and proceedings of the Mayor's Court and~~ The clerk shall attend all regular and special meetings of the Town Council and shall keep a record of all the proceedings and acts of the Town Council and shall record in books to be kept for that purpose all ordinances and resolutions passed by the Town Council and shall perform all such other duties as usually pertain to the office of Town Clerk and may be required by the Town Council.

Section 35. At the next election to be held following the final passage of this Ordinance that allows for enough time for the Nassau County supervisor of elections to put the following referendum question on the ballot, the following language shall be placed on the ballot for referendum approval by the electors of the Town of Callahan with provisions for the electors to indicate "yes" or "no":

Should § C-18 of the Charter be amended so that the position of Town Clerk is no longer an elected position in the Town of Callahan as of the end of the current Clerk's term and instead becomes an appointed office filled by a majority vote of the Town Council?

Section 36. If a majority of the electors of the Town of Callahan voting on the referendum question in § 35 vote "yes," then § C-18 of the Charter of the Town of Callahan shall be amended as follows:

The Town Clerk shall be appointed and removed by majority vote of the Town Council. ~~There shall be one office of the Town Clerk, and said officer shall be elected by the qualified electors of said town for four (4) years and shall hold office until his successor is elected and qualified.~~ The Clerk shall receive reasonable compensation set by the Town Council. The Clerk shall be known and sign all documents, rolls and papers as Town Clerk. The Clerk shall give such bond as the Town Council may require. The clerk shall attend all regular and special meetings of the Town Council and shall keep a record of all the proceedings and acts of the Town Council and shall record in books to be kept for that purpose all ordinances and resolutions passed by the Town Council and shall perform all such other duties as usually pertain to the office of Town Clerk and may be required by the Town Council.

Section 37. If a majority of the electors of the Town of Callahan voting on the referendum question in § 35 vote "no," then the amendments to § C-18 of the Charter made by § 34 of this Ordinance shall be the only amendments made to § C-18 of the Charter.

Section 38. The referendum question regarding § C-18 of the Charter of the Town of Callahan shall be known by ballot title as "Making the Town Clerk an Appointed Office Instead of an Elected Office."

Section 39. At the next election to be held following the final passage of this Ordinance that allows for enough time for the Nassau County supervisor of elections to put the following referendum question on the ballot, the following language shall be placed on the ballot for referendum approval by the electors of the Town of Callahan with provisions for the electors to indicate "yes" or "no":

Should § C-19 of the Charter be deleted in its entirety so that the position of Town Treasurer is no longer an elected position in the Town of Callahan as of the end of the current Treasurer's term?

Section 40. If a majority of the electors of the Town of Callahan voting on the referendum question in § 39 vote "yes," then § C-19 of the Charter of the Town of Callahan shall be deleted in its entirety.

Section 41. If a majority of the electors of the Town of Callahan voting on the referendum question in § 39 vote "no," then § C-19 of the Charter shall not be affected in any way.

Section 42. The referendum question regarding § C-19 of the Charter of the Town of Callahan shall be known by ballot title as "Abolishing the Town Treasurer as an Elected Office."

Section 43. Section C-20 of the Charter of the Town of Callahan shall be amended as follows:

~~The Town Treasurer shall pay out no funds of the town except upon a warrant of the Town Clerk, under the corporate Seal of the town and countersigned by the President of the Town Council. The Town Clerk shall draw no warrant upon the Town Treasurer except upon the warrant of the Town Council. All bills, accounts and claims of debts of every kind whatsoever shall be considered and passed by the Town Council at regular meetings. It shall be the duty of the Town Council to consider and pass upon each item of all payroll accounts and bills, and the Town Council shall not pass upon, allow or order the payment of any bill, payroll or account until each item of said bill, payroll or account is presented to them. The Town Council shall not order any warrant or warrants to be drawn unless there be funds in the hands of the Town Treasurer sufficient to meet or cover such warrants.~~

Section 44. Sections C-21 through C-28 of the Charter of the Town of Callahan shall be deleted in their entirety.

Section 45. Section C-29 of the Charter of the Town of Callahan shall be amended as follows:

The town shall have the power to raise and borrow ~~by tax and assessment upon all real and personal property~~ all sums of money by

all means authorized by Florida law which may be required for the improvement and good government of the town and for carrying out the powers and duties herein granted to municipal corporations by Florida law and imposed.

Section 46. Section C-30 of the Charter of the Town of Callahan shall be deleted in its entirety.

Section 47. Sections C-31 through C-36 of the Charter of the Town of Callahan shall be deleted in their entirety.

Section 48. Section C-38 of the Charter of the Town of Callahan shall be amended as follows:

The Town Council is hereby authorized by ordinance to may regulate, provide for and require the opening, widening and extending and improving of streets, avenues and public places; the construction and maintenance of sidewalks and street pavements; the establishment and maintenance of in keeping in order of grass plots and parkways in front of property between the property lines or out of sidewalk lines and driveways in the center of the streets; the drainage and filling in of low places, public or private, dangerous to public health and the cleaning and putting in proper condition of places requiring such work to be done to promote the public welfare; and the construction and maintenance of water mains, sewers and drains; and may, by ordinance, provide for the payment of the cost thereof by general taxation or by special assessment of the cost thereof against the property fronting or abutting upon the street or avenue or public place where the same is done, in proportion to the frontage of the property fronting thereon, the special assessment being made per front foot of the abutting property or a part of the cost thereof may be, by ordinance, paid by general taxation of all property of the town and the remainder by such special assessment, and in case of drainage or filling in of low places (other than streets, avenues and public places), dangerous to public health, and the cleaning up and putting in proper condition of places requiring such work to be done to protect the public welfare, shall provide for the payment of the costs of such public work by special assessment of the cost thereof, or such part of the cost as may be provided by ordinance, against the property upon which such work is done, and the town shall have a lien superior to all other liens upon the abutting property or upon the property drained or filled in or cleaned up or put in proper condition, as the case may be, for the amounts of special assessments, together with interest thereon and the cost of collection thereof. Whether the doings of any such thing is provided for by ordinance, the ordinance providing for same shall state the estimated total cost thereof and the estimated amount per front foot as special assessment to be levied upon abutting property or the estimated cost to be specially assessed against the property drained, filled in, cleaned up or put in proper condition, as the case may be,

and shall be published once a week for four (4) weeks in some paper published in Nassau County, Florida, or posted for thirty (30) days in the Town Hall and two (2) other public places in the said town, and the Town Council shall meet as soon as practicable after the expiration of said publication or posting at a time named in the ordinance, and permit any owner of or other person interested in any property against which it is proposed to levy such special assessment to present to the Town Council any objections which he may have to the enforcement or the requirement of such ordinance and shall have power, if they deem justice or right to require the same, to repeal or amend such ordinance; but no such amendment shall increase the amount to be specially assessed against other property, nor shall the assessment against any property be in excess of the special benefits accruing to said property by reason of such work. Any person owning or interested in any property to be specially assessed or generally taxed or said work, who shall not at such meeting present in writing to the Town Council his objections to said ordinance, shall be deemed to have consented to its provisions, and any person so presenting his objections to such ordinance and not satisfied with the action thereon, shall have the right within thirty (30) days thereafter to present to any court of competent jurisdiction against the enforcement of said ordinance any legal objection he may have to the enforcement of such ordinance, and the court shall have power, upon proper cause shown, to grant such injunction, and any person not presenting his bill for injunction within thirty (30) days or failing to push to a successful conclusion with due diligence his application for an injunction, shall be deemed to have consented to the enforcement of the ordinance and the levy and collection of the special assessment and taxes necessary thereto, shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The Mayor and Town Council are hereby authorized to provide, by ordinance, for the issuance of special assessment town certificates for such amounts and drawing such rates of interest and upon such terms and conditions as may be deemed necessary to enable the town to pay the cost of such work pending the collection of special assessments and taxes, and to provide for the payment thereof with interest; and the Town Council, shall as soon as practicable after the completion of any such work, by resolution, fix a special assessment per front foot abutting property, or the special assessment against the property drained, filled up or put in proper condition, as the case may be, at an amount not exceeding either the actual cost of the work or the estimated special assessment stated in the ordinance providing for the work. Any person desiring to contest in any way the validity of any such special assessment or lien shall, within thirty (30) days after the publication or posting at the Town Hall and two (2) other public places in said town of the resolution fixing the special assessment, institute suit to have the enforcement thereof enjoined or its invalidity legally declared, and no person not instituting such suit shall

~~thereafter be heard to question the validity thereof or to defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty (30) days after the publication or posting passage of such resolution shall be accepted without interest, and such assessment not paid within said time shall bear interest from the date of publication or posting passage of such resolution at the rate of one percent (1%) per month. The Mayor and Town Council may, by ordinance, provide for the payment of such special assessments in installments, and for the collection by enforcement of the liens by attorney or attorneys after any payment has been made in compliance with the provisions of such ordinance. The liens of the amounts of such special assessments may be enforced by bill in equity, and any number of liens arising under the provisions of one (1) ordinance may be enforced in and by one (1) proceeding in equity. The town shall have and collect a lien upon any properties affected by special assessment for reasonable attorney's fees for the collection of unpaid special assessment after the collection thereof shall have been entrusted to an attorney by resolution of the Town Council.~~

Section 49. Section C-39 of the Charter of the Town of Callahan shall be amended as follows:

~~All persons who shall possess the qualifications requisite to an elector at a general state election and shall have paid his poll taxes, as provided by law and as prescribed for state elections, and shall have resided in the town for six (6) months next preceding the election and shall have been registered in the municipal registration as shall be prescribed by ordinance, shall be a qualified elector of the town of such election; and provided that the state and county registration shall not be required to qualify an elector of the town. The Town Council, at the option of the Town Council, shall provide for holding all elections of town officers, and for canvassing the votes and certifying the results thereof or shall provide for the County Elections official to conduct Town elections. The person receiving the highest vote shall be entitled to the office. The election shall be held as near as may be in accordance with law governing elections for state offices, and~~ The same form of ballot shall be used as is now provided for by law for use for elections for state officers. The provisions of an existing ordinance notwithstanding, a Any person desiring his name to be printed upon the official ballot as a candidate for any office shall; ~~not less than thirty (30) days before the election;~~ file with the Town Clerk a petition signed by ~~ten (10)~~ 20 or more qualified electors of said town, asking that his name be placed upon the official ballot for such office. ~~If the 30th day preceding an election falls on a Sunday or a legal holiday, then the time for qualifying shall end on the immediately succeeding day which is not a Sunday or legal holiday. The Clerk shall set the period for qualifying.~~

Section 50. Section C-42 of the Charter of the Town of Callahan shall be amended as follows:

The officers of the Town of Callahan shall have and exercise all powers conferred by general law upon municipal officers, not consistent with the terms of this Act. ~~The said officers shall have the power to condemn lands and their appurtenances for the same purpose and in the same manner as is set forth and provided in Section 1040 of the General Statutes of the State.~~

Section 51. Section C-43 of the Charter of the Town of Callahan shall be deleted in its entirety.

Section 52. Section C-44 of the Charter of the Town of Callahan shall be amended as follows:

The Town Council shall not employ or contract with the Mayor or any ~~Councilman~~ Councilperson or with any other town official, other than in his or her official capacity.

Section 53. Sections C-45 through C-48 of the Charter of the Town of Callahan shall be deleted in their entirety.

Section 54. Ordinances 2014-O01 and 2014-O02 are hereby repealed in their entirety.

Section 55. The Town's code publishers shall re-number the Charter sections in consecutively numbered sections consistent with all amendments made by this Ordinance, shall correct any typographical errors, and may correct Charter section titles as appropriate.

Section 56. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 57. To the extent this Ordinance requires only the passage of an ordinance, it shall become effective upon its passage by the Town Council. To the extent this Ordinance requires the passage of a referendum, it shall become effective only upon referendum approval.

ADOPTED THIS 5 DAY OF MAY, 2014.

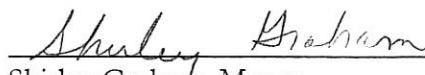
TOWN OF CALLAHAN, FLORIDA

  
Robert Rau, Town Council President

ATTEST:

  
Town Clerk

APPROVED:

  
Shirley Graham, Mayor

Date of First Reading: *April 7, 2014*

Dates of Publication: *April 17, 2014 & April 24, 2014 & May 1, 2014*

Date of Public Hearing: *April 17, 2014*

Second Public Hearing: *April 21, 2014*

Third Public Hearing: *May 5, 2014*

Date of Final Passage: *May 5, 2014*